

IN THE UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

GALVESTON DIVISION

No. 3:22-cv-184

ROBERT L. APTER, M.D., FACEP;
MARY TALLEY BOWDEN, M.D.; and
PAUL E. MARIK, MBBCh, M.MED, FCCM,
FCCP,
Plaintiffs,

v.

DEPARTMENT OF HEALTH AND HUMAN
SERVICES; XAVIER BECERRA, in his official capacity as
Secretary of Health and Human Services;
FOOD AND DRUG ADMINISTRATION; and
ROBERT M. CALIFF, M.D., MACC, in his official
capacity as Commissioner of Food and Drugs,
Defendants

CONSENT MOTION FOR LEAVE TO FILE *AMICUS CURIAE* BRIEF

**CORPORATE DISCLOSURE STATEMENT,
CERTIFICATE OF INTERESTED PERSONS**

Proposed *Amicus Curiae* is America's Frontline Doctors ("AFLDS"), a non-partisan, not-for-profit organization of hundreds of member physicians who come from across the country, representing a range of medical disciplines and practical experience on the front lines of medicine. AFLDS' programs focus on a number of critical issues discussed below. No publicly held company has a 10

percent or greater ownership interest in America's Frontline Doctors.

A MATTER OF GREAT PUBLIC IMPORTANCE

America's Frontline Doctors ("*Amicus*" or "AFLDS") respectfully moves for leave to file the incorporated *amicus curiae* brief as *amicus curiae* in support of the plaintiffs request for declaratory and injunctive relief in *Apter, et al v Department of Health and Human Services, et al*, 22-cv-00184, SDTX, filed on June 2nd, 2022. The United States Supreme Court accepted the filing of an *amicus curiae* brief from AFLDS as well in *Nat'l Fed'n of Indep. Bus. v. OSHA*, 595 U.S. ___, 142 S. Ct. 661 (2022), which position prevailed in that case. Consent for the filing of this motion and brief was sought from all parties on September 29th, 2022, and consent to an *amicus* brief filed by October 7th, 2022 was courteously obtained in writing from all parties.

Permitting the filing of the proposed *amicus curiae* brief would offer an important perspective to this Court on a matter of great public importance. This *amicus curiae* brief conclusively demonstrates that the defendants exceeded their authority by illegally interfering with the plaintiff physicians' doctor/patient relationships, illegally demonizing a legal use of the drug ivermectin, and as such illegally interfered with the practice of medicine. Further, the defendants have not yet ceased this illegal government overreach, thus continuing to compromise patient safety and medical care.

INTEREST OF *AMICUS CURIAE*

Proposed *Amicus Curiae* is America's Frontline Doctors ("AFLDS"), a non-partisan, not-for-profit organization of hundreds of member physicians who come from across the country, representing a range of medical disciplines and practical experience on the front lines of medicine. AFLDS' programs focus on a number of critical issues including:

- Providing Americans with science-based facts about Covid-19;
- Protecting physician independence from government overreach;
- Combating Covid-19 with evidence-based approaches without compromising constitutional freedoms;
- Fighting medical cancel culture and media censorship;
- Advancing healthcare policies that protect the physician-patient relationship;
- Expanding Covid-19 treatment options for all Americans who need them; and
- Strengthening the voices of frontline doctors in the national healthcare conversation.

Each of AFLDS' member physicians is deeply committed to the guiding principle of medicine: "FIRST, DO NO HARM." They gravely take their ethical obligations to their patients. It is axiomatic that a physician's duty is to his or her

patient. AFLDS holds sacrosanct the relationship between doctor and patient where informed decisions are to be made, taking into consideration all of the factors relating to the patients' health, risks, co-morbidities and circumstances. For AFLDS member physicians, the practice of medicine is not simply a job. Neither is it merely a career. Rather, it is a sacred trust. It is a high calling that often requires a decade or more of highly focused sacrificial dedication to achieve.

America's Frontline Doctors is committed to preserving the voluntary and fully informed doctor/patient relationship, and opposes any sort of illegal interference with the doctor/patient relationship and illegal government overreach, as is presented by this case.

Respectfully Submitted,

s/ David A. Dalia

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Certificate of Compliance

I hereby certify that the foregoing consent motion contains 802 words as measured by Microsoft Word, and that its page length is no more than five (5) pages. I further certify that this motion is in 14-point Times New Roman type.

s/ David A. Dalia
David A. Dalia

Certificate of Service

I hereby certify that on the 6th day of October, 2022, a copy of the foregoing Consent Motion was filed electronically with the Clerk of Court using the CM/ECF system, and notice of this filing was sent electronically to all counsel of record using the CM/ECF system.

s/ David A. Dalia

David A. Dalia